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Hearing on:

"Implementation of the Westside Regional Drainage Plan
as a Way to Improve San Joaquin Water Quality"

INTRODUCTION

Contra Costa County is an urban, suburban, and agricultural county of approximately one million residents located at the juncture between San Francisco Bay (Bay) and the Sacramento-San Joaquin Delta (Delta). The Contra Costa County Water Agency is a special district created by the California Legislature in 1957 and governed by the Contra Costa County Board of Supervisors (Board of Supervisors). Acting through the Water Agency, the Board of Supervisors has actively participated in shaping California water policy over the last several decades, in particular as this policy relates to the health of the Bay and Delta.

Located at the confluence of California's major rivers and at the hub of the developed water system for the state, the Bay-Delta is a natural resource of national significance. For Contra Costa County, the Bay-Delta is a defining feature of our landscape, a crucial source of drinking water, and a scenic and recreational asset contributing to the quality of life of County residents. The Board of Supervisors has long advocated for protecting the health of the Bay-Delta, and the following are some additional reasons why this resource must be protected:

- The Delta is the source of drinking water for approximately 500,000 residents of the County. It is also a source of drinking water for approximately 22 million people across the state, or two-thirds of California residents[1].

- The Bay-Delta system is the largest freshwater estuary on the west coast of the

1 California Bay – Delta Authority, http://calwater.ca.gov/AboutCalfed/CALFED_Standard_Presentation_2005/Presentation_2005.htm, 7/24/2005

continental United States[2]. The mixing of fresh and salt water in the Bay-Delta creates productive nurseries for fish, supporting approximately 150 fish species[3]. The wetlands and waterways of the area are also part of the "Pacific Flyway", providing wintering habitat for millions of ducks and geese[3].

- 80% of California's commercial salmon fishery depends on the Bay-Delta[4].

- The Delta is the primary source of water for the 33,000 acres of irrigated agriculture in Contra Costa County[5] and for most of agricultural lands in other counties throughout the state.

- The Bay-Delta is an enormous recreational resource. An estimated 6.4 million visitor days were spent on boats in the Delta in 2000[6].

EXPORT OF AGRICULTURAL DRAINAGE TO THE BAY-DELTA

For decades, the proposed solution to poor drainage conditions in the westside of the San Joaquin Valley was to collect subsurface agricultural drainage water from this area, convey it in a canal known as the San Luis Drain, and discharge the drainage water to the Delta near Chipps Island. The proposed discharge is just off the shore of the Cities of Pittsburg and Antioch in Contra Costa County. Concerned with water quality impacts in the Delta, the County has opposed the San Luis Drain proposal for decades. Most recently, on July 26, 2005, the Board of Supervisors reaffirmed its opposition to the San Luis Drain.

Some of the reasons why Contra Costa County has opposed the San Luis Drain are explained below:

- Selenium. The unfortunate events at the Kesterson National Wildlife Refuge in the 1980s demonstrated that selenium discharged by the partially-constructed San Luis Drain could kill and deform wildlife. Selenium bioaccumulates in the food chain and poses added risks for species near the top of the food chain. Even without the Drain, selenium concentrations in the Bay-Delta waters are already high enough to prompt public health warnings for the consumption of ducks, oysters, fish, and other wildlife taken in some sections of the Bay/Delta. Selenium discharges from the San Luis Drain are estimated to be an order of magnitude or more larger than the current discharges to the Bay-Delta from oil refineries and

2 California Bay – Delta Authority, http://calwater.ca.gov/Regions/BayRegion_RPI.shtml, 7/24/2005
3 Water Education Foundation, Bay-Delta Briefing, http://www.water-ed.org/calfeddeltabriefing.asp 3.2004, accessed 7/24/2005
4 California Bay – Delta Authority, http://calwater.ca.gov/AboutCalfed/CALFED_Standard_Presentation_2005/Presentation_2005.htm, 7/24/2005
5 Contra Costa County Department of Agriculture, Annual Crop and Livestock Report, 2003
6 Sacramento – San Joaquin Delta Boating Needs Assessment 2000 - 2020, Page 6-5, 12/2002 http://www.dbw.ca.gov/deltaindex.asp accessed 7/24/05

the San Joaquin River[7]. The Water Agency helped to fund a study by the United States Geological Survey (USGS) in 2000 forecasting the selenium impacts of the proposed San Luis Drain. That study[8] included the following statement in its conclusion:

> The model and forecasts demonstrate that many of the most likely combinations of load, hydrology, climate, Se [selenium] reactivity, and Se bioavailability pose a significant ecological risk to the Bay-Delta. In general, SLD [San Luis Drain] discharges that would meet the demands for drainage pose risks to fish and bird reproduction and the risk of fish extinction via contamination of their invertebrate food.

- Salts and other undesirable constituents of agricultural drainage could harm drinking water. In addition to selenium impacts, discharge of subsurface agricultural drainage from the westside of the San Joaquin Valley to the Bay-Delta would increase concentrations of total dissolved solids, bromides, and total organic carbon at drinking water intakes. These constituents are a significant concern for drinking water quality. The rate payers of the Contra Costa Water District spent $450 million to construct the Los Vaqueros Reservoir (completed in 1998), a water storage project that is primarily intended to improve drinking water quality by allowing water to be diverted and stored when conditions in the Delta are good. Constructing the San Luis Drain would harm drinking water quality and undermine the rate payers' investment in the Los Vaqueros Reservoir.

- Substantial public funds are already being spent on restoring the Bay-Delta. Constructing expensive facilities that will degrade resources actively being restored does not make fiscal sense. More than $500 million has already been spent through the CALFED program to restore the health of the Bay-Delta, and significant future expenditures are planned. The Draft Environmental Impact Statement for the San Luis Drainage Feature Re-evaluation estimates the net present cost of constructing and operating the San Luis Drain at $300 million[9].

DISCHARGE OF AGRICULTURAL DRAINAGE TO THE SAN JOAQUIN RIVER

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7 While most of the drainage problem area on the westside of the San Joaquin Valley does not drain naturally to the San Joaquin River or the Delta, the Grasslands drainage area north of the Westlands Water District does drain to the San Joaquin River and is the primary source of selenium in the San Joaquin River.

8 *Forecasting Selenium Discharges to the San Francisco Bay-Delta Estuary: Ecological Effects of a Proposed San Luis Drain Extension*, by Samuel N. Luoma and Theresa S. Presser, U.S. Geological Survey Open-File Report 00-416.

9 Estimate reflects the cost of the Chipps Island disposal alternative, including associated treatment facilities and limited land retirement, but does not include the baseline cost of the core drainage program. The full net present cost is approximately $560 million when the costs of collector drains and regional drainage reuse facilities are incorporated. Contra Costa County's comments on the EIS will indicate that we think the drain cost estimate is very low and does not reflect current real estate constraints, current pipeline construction costs in the area, or design features needed to construct a wastewater pipeline through an urban area and adjacent to drinking water supply facilities.

Most of the drainage problem area on the westside of the San Joaquin Valley has no natural outlet for runoff in typical rain years and agricultural drainage from this area does not discharge to the San Joaquin River or the Delta. However, the Grasslands drainage area north of the Westlands Water District does drain to the San Joaquin River. Agricultural drainage from the Grassland area has contributed to elevated selenium concentrations in the River and its tributaries.

When agriculturalists and the United States Bureau of Reclamation (Reclamation) proposed reopening a portion of the San Luis Drain in 1995 to bypass wetland water supply channels and discharge at a point farther downstream, Contra Costa County objected. The County was concerned that the Grassland Bypass Project, as it is known, would increase downstream selenium loading and constitute a first step toward extension of the San Luis Drain to the San Joaquin River or to the Delta. However, when the project was proposed for renewal after five years, the County was invited to participate in shaping the proposal to renew the project. The resulting agreement was acceptable to the County and the project is a positive precedent for a variety of reasons, as summarized below:

- Grassland area farmers have accepted collective responsibility for their drainage problem and have created an administrative structure to uphold that responsibility.

- The Use Agreement for the Grassland Bypass contains enforceable load limitations for selenium and salt. The selenium load limits were set to achieve water quality standards by the required compliance schedule.

- Grassland area farmers have significantly reduced their discharges and have complied with selenium load limitations. A number of innovative techniques have been developed by these farmers to manage their drainage.

Though the Grassland Bypass Project has contributed toward solving the drainage problem, discharge of agricultural drainage to the San Joaquin River is clearly not a good long term solution. Such discharges continue to pose risks of selenium bioaccumulation and to harm downstream water quality. We also understand that the load limitations that would apply when water quality standards take full effect in 2010 present a significant challenge for the Grassland area farmers. Proposals that address Grassland drainage without discharge to the San Joaquin River merit serious attention.

WESTSIDE REGIONAL DRAINAGE PLAN

With respect to Contra Costa County, the most important aspects of the Westside Regional Drainage Plan (Westside Plan) are what it does not propose. The Westside Plan calls for neither export of drainage to the Delta nor discharge to the San Joaquin River beyond 2009. The Westside Plan does propose a series of measures to address drainage, from land retirement to source control to drainage reuse, that have a lot in common with the approach recommended by

the County, the Water Agency, the Contra Costa Water District, the Bay Institute, and Environmental Defense in our proposal to address the problem, *Drainage Without a Drain* (2003). In these respects, the Westside Plan is a constructive document.

In other respects, the Westside Plan raises questions. For instance:

- Why does the Westside Plan refer to an out-of-valley solution as a possible outcome of the Adaptive Management process? Retention of the out-of-valley concept may undermine the apparent intent of the document to stress commitment to an in-valley-solution and could hinder serious consideration of the Westside Plan by some interests.

- What is being asked of the federal government and what assurances are there that the federal government won't subsequently be asked to build a drain?

- The Westside Plan is intentionally conceptual and lacks detail on key subjects such as funding sources, land retirement, later phases of the three-phase plan, and the approach for disposing of salts. To seriously evaluate an implementation proposal, such detail is needed. From a County perspective, detail is important to ensure that the proposed in-valley solution will work and eliminate any call for an out-of-valley solution. Can the necessary detail be provided? Do the Westside Plan authors believe that the Westside Drainage plan is adequately reflected in the alternatives considered by the Draft Environmental Impact Statement for the San Luis Drainage Feature Re-evaluation?

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SAN LUIS DRAINAGE FEATURE RE-EVALUATION

The U.S. Bureau of Reclamation is currently accepting comments on the Draft Environmental Impact Statement for the San Luis Drainage Feature Re-evaluation (EIS). In general, the document is well-researched and thorough. However, the comments of the County and Water Agency will address a variety of concerns, including what we believe is an understatement in the EIS of the environmental impacts and economic costs of the Delta discharge options. Likewise, the County and Water agency will urge the Bureau to follow through with what is anticipated in the Draft EIS, that is, selection of an in-valley alternative as the preferred alternative.

Thank you very much for the opportunity to share the views of Contra Costa County on this important matter.

Attachment:

- *Drainage Without a Drain* (2003). Prepared by the Bay Institute, Contra Costa County, the Contra Costa County Water Agency, the Contra Costa Water District, and Environmental Defense.